



09-15-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
10 ZELMAN, GARY MARTIN)
Serial No. 10/763,967) Examiner: Mai, Huy K.
Filed: 01/22/2004) Art Unit: 2873
15 Title: *Auxiliary Eyewear Attachment*) Attorney Docket No. R0409-4078
 Methods and Apparatus)
) _____

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AMENDMENT AND RESPONSE
TO OFFICE ACTION DATED 06/14/2004

25 Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

30 Dear Sir:

Responsive to the Office action dated June 14, 2004, Applicant respectfully submits the following amendments and remarks.

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5 **Amendments to the Claims**

Please cancel claims 1-14 and add the following new claims.

15. (new) Apparatus for attaching auxiliary eyeglasses to conventional eyeglasses comprising: magnetic material on said auxiliary eyeglasses; said magnetic material capable of fitting below and mating with magnetic material on said conventional eyeglasses, whereby said auxiliary eyeglasses are capable of being removably secured to conventional eyeglasses.
16. (new) Apparatus according to claim 15 including appendages on said conventional eyeglasses; said magnetic material on said auxiliary eyeglasses mounted on said appendages.
17. (new) Apparatus according to claim 16 including temple extensions on said conventional eyeglasses; said magnetic material on said conventional eyeglasses being on said temple extensions.
18. (new) Apparatus according to claim 17 including sockets on said appendages; said magnetic material being mounted in said sockets on said appendages.
19. (new) Apparatus according to claim 18 including sockets on said temple extensions; said magnetic material being mounted in said sockets on said temple extensions.
20. (new) Apparatus according to claim 19 in which said sockets on said appendages are cylindrical sockets.
21. (new) Apparatus according to claim 20 in which said sockets on said temple extensions are cylindrical sockets.
- 25 22. (new) Apparatus according to claim 21 in which said magnetic material on said appendages is a magnet mounted in each cylindrical socket.

5 23. (new) Apparatus according to claim 22 in which said magnetic material mounted
on said temple extensions is a magnet mounted in each cylindrical socket.

24. (new) Apparatus for attaching auxiliary eyeglasses to conventional eyeglasses
comprising: temple extensions on said conventional eyeglasses having a first mating surface;
appendages on said auxiliary eyeglasses having a second mating surface; and, said second
10 mating surface capable of being secured below said first mating surface by magnetic material
whereby said auxiliary eyeglasses are capable of being removably secured to said conventional
eyeglasses.

15 25. (new) Apparatus for attaching auxiliary eyeglasses to conventional eyeglasses
comprising: temple extensions on said conventional eyeglasses having first mating surfaces;
appendages on said auxiliary eyeglasses having second mating surfaces; said second mating
surfaces capable of being mounted below said first mating surfaces by magnetic attraction
whereby said auxiliary eyeglasses are capable of being removable secured to said conventional
eyeglasses.

20 26. (new) A method of attaching auxiliary eyeglasses to conventional eyeglasses
comprising: providing magnetic material on said auxiliary eyeglasses that is capable of fitting
below and mating with magnetic material on said conventional eyeglasses; whereby said
auxiliary eyeglasses are capable of being removably secured to said conventional eyeglasses.

25 27. (new) Apparatus for attaching auxiliary eyeglasses to conventional eyeglasses
comprising: temple extensions on said conventional eyeglasses having first sockets; appendages
on said auxiliary eyeglasses having second sockets; magnetic material on either said
conventional eyeglasses or said auxiliary eyeglasses capable of mounting said second socket

5 below said first socket whereby said auxiliary eyeglasses are capable of being removably secured
to said conventional eyeglasses.

28. (new) Apparatus for attaching auxiliary eyeglasses to conventional eyeglasses
comprising: temple extensions on said conventional eyeglasses having first sockets; appendages
on said auxiliary eyeglasses having second sockets; said second sockets capable of being
10 mounted below said first socket by magnetic attraction of magnetic material on at least one of
said conventional eyeglasses or auxiliary eyeglasses whereby said auxiliary eyeglasses are
capable of being removably secured to said conventional eyeglasses.

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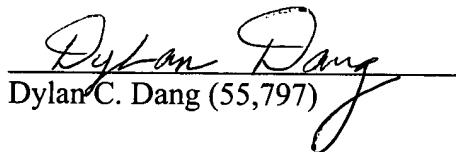
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Remarks

Applicant respectfully requests reconsideration of new claims 15-28 based on the above amendments and the Terminal Disclaimer filed herewith. If any additional fees are required for this amendment and response, the Commissioner is authorized to deduct the required amounts from deposit account no. 500703.

Respectfully Submitted,

TROJAN LAW OFFICES
By

Dated: September 14, 2004

Dylan C. Dang (55,797)

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In re application of Gary Martin Zelman, Serial No. 10/763,967 (filed: 01/22/2004), entitled:
Auxiliary Eyewear Attachment Methods and Apparatus, Attorney Docket No. R0409-4078:

I hereby certify that the following:

1. A Cover Letter (1 page)
2. Amendment and Response to Office Action Dated 06/14/2004 (5 pages)
3. Terminal Disclaimer, form PTO/SB/26 (1 page)
4. Fee Transmittal Form (1 Original/1 Copy);
5. Credit Card Payment form
6. Certificate of Mailing by Express Mail
7. A Return Postcard

are being deposited with the U.S. Postal Service by me personally as Express Mail No.
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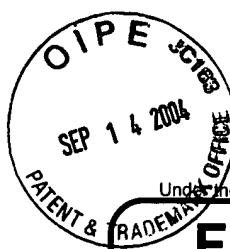
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on **September 14, 2004**.

By:



Dylan C. Dang, Reg. No. 55,797



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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number	10/763,967
Filing Date	01/22/2004
First Named Inventor	ZELMAN, Gary Martin
Examiner Name	MAI, Huy K.
Art Unit	2873
Attorney Docket No.	R0409-4078

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number	500703
Deposit Account Name	TROJAN LAW OFFICES

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) <u>Terminal Disclaimer</u>			55.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

55.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Dylan C. Dang	Registration No. (Attorney/Agent)	55,797	Telephone	310-777-8399
Signature	<u>Dylan C. Dang</u>			Date	Sept. 14, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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